

**Notice of Allowability**

Application No.

09/153,631

Applicant(s)

YOUNES ET AL.

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 11/18/05.
2. ☒ The allowed claim(s) is/are 1,3,6,8,10,12-21,23,26,27,29,30,32-35,37 and 38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**WAYNE YOUNG**  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1,3,6,8,10,12-21,23,26,27,29,30,32035,37,38 are allowed over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

As per independent claims 1,8,18,27,30, and 35, the claim limitations pertaining to switching between a bit exact and a non-bit exact speech coder based on the processor load of the wireless device, along with power consumption, is not explicitly taught by the prior art of record. Furthermore, it would not have been obvious to one of ordinary skill of speech codecs to modify the teachings of the prior art of record to obtain the recited limitations of the independent claims noted above. With respect to the prior art of record, Ladden et al (5855003) teaches a wireless communication system (abstract) with a base station bss (Fig. 1) and a mobile station having codec A and codec B (Fig. 2 subblocks 200-202); wherein the transmitted signal (speech results from each codec – col. 5 lines 30-38) is either from A or B depending upon signal quality; Yin (6104996) teaches dual coding modes contained within a single coder (Yin (6104996), abstract, Fig. 9, subblocks 100 and 1108); Tamba et al (6130577) teaches self contained switching of the codecs in the wireless device (Fig. 21, col. 11 lines 18-26). Parvulescu et al (6002719) teaches using compression techniques to reduce battery drain (col. 3 lines 55-66). Labonte (5828672,6073257,6456598) teaches switching between grades of service based on a bit

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error rate (abstract), but teaches the switching to be performed within the network, and not in the handheld unit (col. 2 lines 21-45). Schilling (6407989, 6711145) teaches differential power transmission based on BER (col. 13 lines 30-42). Bengtsson et al (6347217) teaches BER and FER tracking (col. 5 lines 5-35). Agrawal et al (5974327) teaches switching between different priority within a mobile station based on low battery power (Fig. 2). LeStrat et al (6134220, 6646995) teaches monitoring signal quality and changing modes, but changing modes in the base station (Fig. 2). Olofsson et al (6167031) changes modulation based on BER (col. 5 lines 49-67). Faerber (6129513) teaches switching between voice encoders but in the MSC (Fig. 2). Hasson et al (5812968) teaches dual vocoders (Fig. 3-4). However, none of the prior art of record explicitly teaches the claim limitations of the independent claims as noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**SUPERVISORY PATENT EXAMINER**